

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEREX R. DOOLEY,
Petitioner

v.

ERIC TICE *et al.*,
Respondents

CIVIL ACTION

No. 17-4315

ORDER

AND NOW, this 30th day of March, 2020, upon consideration of Petitioner

Lerex R. Dooley's Petition for Writ of *Habeas Corpus* (Doc. No. 1), the respondents' response thereto (Doc. No. 13), Mr. Dooley's reply (Doc. No. 20), Magistrate Judge Linda K. Caracappa's Report & Recommendation (Doc. No. 24), Mr. Dooley's Objections to the Report & Recommendation (Doc. No. 27), Mr. Dooley's Motion for Leave to File Addendum (Doc. No. 29), the Court's February 25, 2019 Order referring the case to Judge Caracappa for a Supplemental Report & Recommendation (Doc. No. 30), Judge Caracappa's Supplemental Report & Recommendation (Doc. No. 34), Mr. Dooley's *Nunc Pro Tunc* Objections to the Supplemental Report & Recommendation (Doc. No. 39), and Mr. Dooley's Motion for Leave to Modify Objections to the Supplemental Report & Recommendation (Doc. No. 40), it is **ORDERED** that:

1. The Report & Recommendation (Doc. No. 24) and Supplemental Report & Recommendation (Doc. No. 34) are **APPROVED** and **ADOPTED**.
2. Mr. Dooley's Motion for Leave to Modify Objections to Supplemental Report and Recommendation (Doc. No. 40) is **DENIED** and Mr. Dooley's Objections (Doc. Nos. 27, 29, 39) are **OVERRULED** for the reasons set forth in the accompanying Memorandum.
3. The Petition for Writ of *Habeas Corpus* (Doc. No. 1) is **DENIED**.

4. There is no probable cause to issue a certificate of appealability.¹
5. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gene E.K. Pratter", written over a horizontal line.

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court agrees with Magistrate Judge Caracappa that there is no probable cause to issue such a certificate in this action.